

REMARKS

In order to advance prosecution Applicants are making the requested species election. The species election, however, was made previously. In response to the office action dated November 23, 2001, Paper # 14 Applicants filed a response and elected the species of CD86 as the co-stimulatory molecule. A copy of the response is enclosed for the record.

If any additional information is required Applicants request that the Examiner contact Applicants' representative at the number listed below.

Respectfully submitted,



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Docket No. V00139.70063
Date: June 5, 2003
X06/05/03

Serial No. 09/470,494

- 1 -

Art Unit: 1644

ATTORNEY'S DOCKET NO. I0277/7007 (HCL/KA)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Newell et al.
Serial No.: 09/470,494
Filed: December 22, 1999
For: USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE
Examiner: Phillip Gambel
Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, Washington, D.C. 20231, on the 20th day of December, 2001.

Konstantinos Andrikopoulos
Konstantinos Andrikopoulos, Reg. No. 48,915

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COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

JUN 12 2003

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Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

This is in response to the Office Action mailed from the United States Patent and Trademark Office on October 23, 2001 (Paper No. 14). A petition for a 1 month extension of time (on the transmittal) and the appropriate fee are submitted concurrently herewith.

Applicants hereby elect CD86 as the co-stimulatory molecule of choice for initial examination on the merits. Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of the claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

If the Examiner has any questions and believes that a telephone conference with Applicants' representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (Extension 286).

Respectfully submitted,

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Date: December 20, 2001
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